

OFFICE OF THE CITY ATTORNEY

GARY VERBURG, City Attorney

State Bar No. 005515

200 West Washington, Suite 1300

Phoenix, Arizona 85003-1611

Telephone (602) 262-6761

[law.civil.minute.entries@phoenix.gov](mailto:law.civil.minute.entries@phoenix.gov)

Shannon M. Bell, Bar No. 018403

Assistant City Attorney

Attorney for City of Phoenix, Officer James Blanco and Officer Ronald Bryant

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

JULIO MACIAS and ANNA MACIAS,  
husband and wife,

Plaintiffs,

vs.

OFFICER JAMES BLANCO,  
Individually and acting on behalf of  
PHOENIX POLICE DEPARTMENT,  
(Badge No. 8710), and Jane Doe Blanco;  
OFFICER RONALD BRYANT,  
Individually and acting on behalf of  
PHOENIX POLICE DEPARTMENT,  
(Badge No. 6608) and JANE DOE  
BRYANT, CITY OF PHOENIX, AND  
JOHN and JANE DOES I-X; BLACK  
PARTNERSHIPS I-V; AND WHITE  
CORPORATIONS I-V,

Defendants.

No.

**NOTICE OF REMOVAL**

Defendants, City of Phoenix, Officer James Blanco and Officer Ronald Bryant,  
through undersigned counsel, and pursuant to 28 U.S.C. § 1441(b) and LRCiv 3.7,

1 hereby notice the removal of the above referenced action commenced and now pending  
2 in the Superior Court of the State of Arizona, in and for the County of Maricopa entitled  
3 *Julio Macias and Anna Macias, husband and wife, Plaintiff, vs. Officer James Blanco,*  
4 *Individually and acting on behalf of Phoenix Police Department, (Badge No. 8710), et.*  
5 *al. Defendants,* Civil Action No. CV2012-000624, and in support of removal asserts the  
6 following:

7 1. Petitioners are the Defendants in the Superior Court of the State of Arizona  
8 in and for the County of *Maricopa* under the caption JULIO MACIAS and ANNA  
9 MACIAS, husband and wife, Plaintiff, vs. OFFICER JAMES BLANCO, Individually  
10 and acting on behalf of PHOENIX POLICE DEPARTMENT, (Badge No. 8710), et. al.,  
11 Defendants, Maricopa County Superior Court Case No. CV2012-000624. Copies of the  
12 Complaint and all other documents previously filed in this matter are in Exhibit "A" of  
13 the Index filed simultaneously with this pleading.

14 2. The first date upon which Defendants received a copy of the Complaint  
15 was May 17, 2012, in which a Copy of the Summons and Complaint was hand  
16 delivered to the City Clerk.

17 3. Plaintiff has asserted a claim of violation of his Fourth and Fourteenth  
18 Amendment Right against excessive use of force.

19 4. This Notice of Removal is being filed within 30 days after Service of the  
20 Summons and Complaint and is therefore timely under 28 U.S.C. § 1446(b).

21 5. A Notice of Filing of Notice of Removal has been filed in the Arizona  
22 Superior Court, County of Maricopa, on behalf of Defendants. A true and correct copy  
23 of the Notice is in Exhibit "B" of the Index filed simultaneously with this pleading.  
24

1 WHEREFORE, Defendants respectfully request that the above action now  
2 pending in the Arizona Superior Court, Maricopa County, be removed to this Court.

3 DATED this 6<sup>th</sup> day of June, 2012.

4 GARY VERBURG, City Attorney

5  
6 By /s/Shannon M. Bell  
7 Shannon M. Bell  
8 Assistant City Attorney  
9 200 West Washington, Suite 1300  
10 Phoenix, Arizona 85003-1611  
11 Attorneys for Defendants City of Phoenix,  
12 Officer James Blanco and Officer Ronald  
13 Bryant

14 A COPY of the foregoing e-filed  
15 with the court and a copy mailed  
16 this 6<sup>th</sup> day of June, 2012, to:

17 David D. Greene  
18 Law Offices of Ho & Green, PLLC  
19 301 East Bethany Home Road, Suite C-178  
20 Phoenix, AZ 85012-1295  
21 Attorneys for Plaintiff Julio Macias and Anna Macias

22 By /s/A. Valenzuela

23 SB2:SB2#978622\_1.DOC  
24

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Shannon M. Bell Bar No. 018403  
Assistant City Attorney  
Attorney for OFFICER JAMES BLANCO; OFFICER RONALD BRYANT; and  
CITY OF PHOENIX

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

JULIO MACIAS and ANNA MACIAS,  
husband and wife,

Plaintiffs,

vs.

OFFICER JAMES BLANCO,  
Individually and acting on behalf of  
PHOENIX POLICE DEPARTMENT,  
(Badge No. 8710), and Jane Doe Blanco;  
OFFICER RONALD BRYANT,  
Individually and acting on behalf of  
PHOENIX POLICE DEPARTMENT,  
(Badge No. 6608) and JANE DOE  
BRYANT, CITY OF PHOENIX, AND  
JOHN and JANE DOES I-X; BLACK  
PARTNERSHIPS I-V; AND WHITE  
CORPORATIONS I-V,

Defendants.

No.

**CASE INDEX**

(Superior Court Case No. CV2012-000624)

**Exhibits:**

(A) Contents of Superior Court Case No. CV2012-000624

OFFICE OF THE CITY ATTORNEY  
200 West Washington, Suite 1300  
Phoenix, Arizona 85003-1611  
(602) 262-6761

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(B) Superior Court Notice of Removal to the Federal District Court

SB2:AV#978920\_1.DOC

EXHIBIT A

MICHAEL K. JEANES  
 Clerk of the Superior Court  
 By Patricia Sanders, Deputy  
 Date 01/18/2012 Time 14:55:21

Description	Amount
CASE# CV2012-000624	
CIVIL NEW COMPLAINT	301.00
TOTAL AMOUNT	301.00
Receipt# 21893546	

**DAVID D. GREENE, ESQ.**  
 State Bar No. 023555  
**THE LAW OFFICES OF HO & GREENE, PLLC**  
 301 East Bethany Home Road, Suite C-178  
 Phoenix, Arizona 85012  
 Telephone: 602-354-7346  
 Facsimile: 602-354-7469  
 Email: [david@hogreenelaw.com](mailto:david@hogreenelaw.com)  
*Attorney for Plaintiff*

IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

JULIO MACIAS and ANNA MACIAS,  
 husband and wife,

Plaintiff,

vs.

OFFICER JAMES BLANCO, Individually  
 and acting on behalf of PHOENIX POLICE  
 DEPARTMENT, (Badge No. 8710), and  
 Jane Doe Blanco; OFFICER RONALD  
 BRYANT, Individually and acting on behalf  
 of PHOENIX POLICE DEPARTMENT,  
 (Badge No. 6608) and JANE DOE  
 BRYANT, CITY OF PHOENIX, AND  
 JOHN and JANE DOES I-X;  
 BLACK PARTNERSHIPS I-V; AND  
 WHITE CORPORATIONS I-V,

Defendants.

No. CV2012 000624

**COMPLAINT**

(TORT NON-MOTOR VEHICLE)

Julio Macias, ("Plaintiff"), by and through counsel undersigned, for his Complaint  
 against Defendants, alleges as follows:

**JURISDICTIONAL ALLEGATIONS**

1           1.     At all times relevant hereto, Plaintiffs resided in Maricopa County,  
2 Arizona.

3           2.     At all times relevant to this Complaint, Defendant Blanco was acting within  
4 the scope of his employment with Phoenix Police Department.

5           3.     At all times relevant to this Complaint, Defendant Bryant was acting within  
6 the scope of his employment with Phoenix Police Department.

7           4.     The spouses of Defendants Blanco and Bryant, if any, are named only to  
8 comply with the requirements of the community property laws of this State. All conduct  
9 of these Defendants were performed on behalf of their martial communities.

10           5.     Upon information and belief other unknown Phoenix employees were  
11 present at the time and place of the subject matter of this complaint. The identity of these  
12 additional parties is unknown at this time but Plaintiff will file a motion to amend the  
13 complaint once the identities are discovered.

14           6.     The names of Jane Does Blanco and Bryant, John Does I-V, Jane Does I-  
15 V, Black Partnerships I-V, and White Corporation I-V are unknown to Plaintiff, but upon  
16 ascertaining their names, Plaintiff will ask leave of the Court to insert their true names in  
17 lieu of the fictitious names herein sued upon.

18           7.     At all times relevant to this Complaint, Defendant City of Phoenix is a  
19 municipality in Maricopa County, Arizona.

20           8.     City of Phoenix and its employees were operating under color of state law.  
21 Defendant City of Phoenix is responsible for implementing and enforcing the policies and  
22



1 practices of the Phoenix Police Department, and the hiring, training, and supervision of  
2 Defendants Blanco and Bryant.

3 9. The events giving rise to this Complaint occurred in Maricopa County,  
4 Arizona.  
5

6 10. This Court has jurisdiction over this matter because the incident which is  
7 the subject matter of this claim occurred in Phoenix, Arizona.  
8

9 **ALLEGATIONS OF FACT**

10 11. On January 18, 2011, Plaintiff was physically assaulted by Defendants  
11 Blanco and Bryant.

12 12. Defendant Blanco and Bryant used unreasonable force against Plaintiff.

13 13. Plaintiff was not a threat to himself or others, and did no action to justify  
14 the use of force by Defendants.  
15

16 14. Defendants Blanco and Bryant and other Phoenix City employees were  
17 acting within the course and scope of their respective employment during their  
18 involvement in the above-described incident.  
19

20 15. Each of the Defendants acted under color of state law during their  
21 involvement in the above-described incident.

22 20. Defendants Blanco and Bryant and other Unknown Defendants acted "in  
23 concert", pursuant to A.R.S. § 12-2506, with respect to their intentional conduct toward  
24 Plaintiff.  
25

26 ...

**COUNT ONE — ASSAULT AND BATTERY**

21. Plaintiffs hereby incorporate all previous allegations in this Complaint.

22. Defendants intended to cause harm or offensive contact to Plaintiff.

23. Defendants intentionally touched Plaintiff in a harmful or offensive manner; or he intentionally acted in a manner that caused Plaintiff reasonable apprehension that he would be touched in a harmful or offensive manner.

24. Defendants assaulted Plaintiff in a manner that exceeded the minimal amount of force reasonably necessary to accomplish a lawful purpose, in violation of A.R.S. § 13-3881(B).

25. City of Phoenix is vicariously liable to Plaintiff for the assault and battery of Defendants, pursuant to the principle of *Respondeat Superior*.

26. This harmful or offensive touching by the Defendants, as indicated above, directly and proximately caused Plaintiff general and special damages, in an amount to be proven at trial, including: physical injuries, present and future medical expenses, pain, suffering, mental and emotional anguish, loss of income, diminished earning capacity, loss of consortium and violation of Constitutionally protected rights, including cruel and unusual treatment.

**COUNT TWO — NEGLIGENCE**

27. Plaintiffs hereby incorporate all previous allegations in this Complaint.

28. Defendants used unreasonable force against Plaintiff.

29. Upon information and belief other unknown defendants failed to intervene

1 against Defendants from using unreasonable force against Plaintiff.

2 30. The Defendant Officers' conduct, described above, constituted action or  
3 inaction with reckless indifference to the results, rights or safety of Plaintiff.  
4

5 31. Defendants knew, or reasonably should have known, that theirs actions or  
6 inactions, as described above, created an unreasonable risk of harm to Plaintiffs, which  
7 was so great that it was highly probable that such harm would result.  
8

9 32. Defendant City of Phoenix is vicariously liable to Plaintiff for the  
10 negligence of Defendants, and the negligence of other City of Phoenix Defendants,  
11 pursuant to the principle of *Respondeat Superior*.  
12

13 33. Defendant City of Phoenix failed to exercise sufficient care in the hiring,  
14 screening, training and supervision of Defendants Blanco and Bryant and other City of  
15 Phoenix employees.

16 34. The Defendants' conduct, constituting negligence or gross negligence,  
17 directly and proximately caused Plaintiffs general and special damages, in an amount to  
18 be proven at trial, including: physical injuries, present and future medical expenses, pain,  
19 suffering, mental and emotional anguish, loss of income, diminished earning capacity,  
20 loss of consortium and violation of Constitutionally protected rights, including cruel and  
21 unusual treatment.  
22

23 **COUNT THREE — CIVIL RIGHTS**  
24

25 35. Plaintiffs hereby incorporate all previous allegations in this Complaint.

26 36. Each Defendant, acting under color of state law, knowingly, willfully and

1 intentionally deprived Plaintiff of his rights, privileges and immunities secured by the  
2 United States Constitution and derivative rights under 42 U.S.C. § 1983 by:

3 a. Needlessly and unreasonably subjecting Plaintiff to excessive  
4 physical force;  
5

6 37. Defendants violated Plaintiff's United States Constitutional Rights and  
7 Arizona State Constitution Rights.

8 38. The above described civil rights violations, directly and proximately caused  
9 Plaintiffs general and special damages, in an amount to be proven at trial, including:  
10 physical injuries, present and future medical expenses, pain, suffering, mental and  
11 emotional anguish, loss of income, diminished earning capacity and loss of consortium.  
12

13 **WHEREFORE**, Plaintiffs request judgment against Defendants as follows:  
14

15 A. For general damages and losses already incurred, and to be incurred in the  
16 future, in an amount reasonable and proper;

17 B. For past and future medical expenses and other economic losses incurred  
18 by Plaintiffs in an amount to be proven at trial;  
19

20 C. For punitive damages;


21 D. For attorney's fees, pursuant to 42 U.S.C. § 1988 and all corresponding  
22 Arizona law;

23 E. For Plaintiffs' costs and expert fees, pursuant to 42 U.S.C. § 1988 and all  
24 corresponding Arizona law;  
25  
26

1 F. For such additional relief as the Court may deem just and proper in the  
2 premises.

3 DATED this 16 day of January, 2012.

4 THE LAW OFFICES OF HO & GREENE, P.L.L.C.

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8 David D. Greene  
9 *Attorney for Plaintiff*  
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MICHAEL R. JEANES, CLERK  
BY *P. Sanders* DEP  
FILED

12 JAN 18 PM 2:44

1 **DAVID D. GREENE, ESQ.**  
State Bar No. 023555  
2 **THE LAW OFFICES OF HO & GREENE, PLLC**  
301 East Bethany Home Road, Suite C-178  
3 Phoenix, Arizona 85012  
Telephone: 602-354-7346  
4 Facsimile: 602-354-7469  
Email: [david@hogreenelaw.com](mailto:david@hogreenelaw.com)  
5 *Attorney for Plaintiff*

6 IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA

7 IN AND FOR THE COUNTY OF MARICOPA

8 JULIO MACIAS and ANNA MACIAS,  
9 husband and wife,

10 Plaintiff,

11 vs.

12  
13 OFFICER JAMES BLANCO, Individually  
and acting on behalf of PHOENIX POLICE  
14 DEPARTMENT, (Badge No. 8710), and  
Jane Doe Blanco; OFFICER RONALD  
15 BRYANT, Individually and acting on behalf  
of PHOENIX POLICE DEPARTMENT,  
16 (Badge No. 6608) and JANE DOE  
BRYANT, CITY OF PHOENIX, AND  
17 JOHN and JANE DOES I-X;  
18 BLACK PARTNERSHIPS I-V; AND  
19 WHITE CORPORATIONS I-V,

20 Defendants.  
21  
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No.

CV2012 000624

**CERTIFICATE OF COMPULSORY  
ARBITRATION**

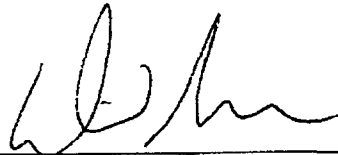
LAW OFFICES OF HO & GREENE, PLLC  
301 East Bethany Home Road, Suite C-178  
Phoenix, Arizona 85012  
(602) 354-7346

The undersigned certifies that the largest award sought by the Plaintiff,  
including punitive damages, but excluding interest, attorneys' fees, and costs does exceed

1 limits set by Local Rule for compulsory arbitration. This case is not subject to the  
2 Arizona Rules of Civil Procedure governing compulsory arbitration.

3  
4 DATED this 16 day of January, 2012.

5 LAW OFFICES OF HO & GREENE, P.L.L.C.

6  
7 

8 David D. Greene, Esq.  
9 Law Offices of Ho & Greene, P.L.L.C.  
10 301 East Bethany Home Road, Suite C-178  
11 Phoenix, Arizona 85012  
12 david@hogreenelaw.com  
13 Attorneys for Plaintiff  
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Office Distribution

**SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY**

**\*\*FILED\*\***

04/25/2012

by Superior Court Admin  
on behalf of Clerk of the  
Superior Court

04/21/2012

COURT ADMINISTRATION

Ct. Admin  
Deputy

**Case Number:** CV2012-000624

**Julio Macias**

**V.**

**James Blanco**

---

The Judge assigned to this action is the Honorable Colleen Louise French

**NOTICE OF INTENT TO DISMISS FOR LACK OF SERVICE**

You are hereby notified that the complaint filed on 01/18/2012 is subject to dismissal pursuant to Rule 4 (i), Arizona Rules of Civil Procedure. The deadline for completing service is 05/17/2012. If no judge has extended time for completing service and no defendants have been served by this date, this case will be dismissed.



Superior Court of Maricopa County - integrated Court Information System  
**Endorsee Party Listing**

Case Number: CV2012-000624

Party Name	Attorney Name	
Anna Macias	David Dennis Greene	Bar ID: 023555
Julio Macias	David Dennis Greene	Bar ID: 023555

Strategic Intelligence Services PLLC  
14700 N Frank Lloyd Wright Boulevard  
Ste. 157-411  
Scottsdale, AZ 85260  
Telephone: (480) 588-5811

MICHAEL K. JEANES, CL  
RECEIVED NE OUTSIDE  
DEPOSITORY

12 MAY 18 AM 7:41  
7:41

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

FILED  
BY Plaschke DEP

JULIO MACIAS and ANNA MACIAS, husband and  
wife,

Case No.: CV2012-000624

Plaintiffs,

CERTIFICATE OF SERVICE

vs.

OFFICER JAMES BLANCO, Individually and acting on  
behalf of PHOENIX POLICE DEPARTMENT, (Badge  
No. 8710), et al.

Defendants.

CHRISTINE BURKE, being first duly sworn, deposes and says:

1. I am an Arizona Certified Process Server, Maricopa County License #7639, fully qualified under RCP 4(d), and 45(d) to serve process in this action;
2. I received a SUMMONS, COMPLAINT and CERTIFICATE OF COMPULSORY ARBITRATION from Plaintiff's attorney on Thursday, May 17, 2012.
3. I served true copies of these original documents upon Defendant OFFICER RONALD BRYANT, acting on behalf of PHOENIX POLICE DEPARTMENT, through substitute service upon THOMAS BRYANT, 20 yoa, son of RONALD BRYANT, who identified himself by name and accepted service on behalf of OFFICER RONALD BRYANT at their residence 2493 East Del Rio Street, Gilbert, AZ 85295 at 1200 hours on Thursday, May 17, 2012.
4. I have read the foregoing document and state under penalty of perjury that the facts herein are true and correct.

Christine Burke

CHRISTINE BURKE

05-17-12

DATE

Strategic Intelligence Services PLLC  
14700 N Frank Lloyd Wright Boulevard  
Ste. 157-411  
Scottsdale, AZ 85260  
Telephone: (480) 588-5811

MICHAEL K. JEANES, CLERK  
RECEIVED NE OUTSIDE  
DEPOSITORY

12 MAY 18 AM 7:49

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

FILED  
BY R. P. Smith DEP

JULIO MACIAS and ANNA MACIAS, husband and  
wife,

Case No.: CV2012-000624

Plaintiffs,

CERTIFICATE OF SERVICE

vs.

OFFICER JAMES BLANCO, Individually and acting on  
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Defendants.

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2. I received a SUMMONS, COMPLAINT and CERTIFICATE OF COMPULSORY ARBITRATION from Plaintiff's attorney on Thursday, May 17, 2012.
3. I served true copies of these original documents upon Defendant CITY OF PHOENIX, by service upon RICHARD ST. GEORGE, Special Deputy Clerk, who identified himself by name and accepted service on behalf of CITY OF PHOENIX at his normal place of business, PHOENIX CITY HALL, 200 W Washington Street, Phoenix AZ at 1055 hours on Thursday, May 17, 2012.
4. I have read the foregoing document and state under penalty of perjury that the facts herein are true and correct.

Christine Burke

CHRISTINE BURKE

05-17-12

DATE

**Strategic Intelligence Services PLLC**  
 14700 N Frank Lloyd Wright Boulevard  
 Ste. 157-411  
 Scottsdale, AZ 85260  
 Telephone: (480) 588-5811

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
 IN AND FOR THE COUNTY OF MARICOPA

FILED  
 BY R. B. Smith DEP

**JULIO MACIAS and ANNA MACIAS, husband and  
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Case No.: CV2012-000624

Plaintiffs,

**CERTIFICATE OF SERVICE**

vs.

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Defendants.

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2. I received a SUMMONS, COMPLAINT and CERTIFICATE OF COMPULSORY ARBITRATION from Plaintiff's attorney on Thursday, May 17, 2012.
3. I served true copies of these original documents upon Defendant JANE DOE BRYANT, AKA MARY BLANCO as identified through Maricopa County Property Records, by substitute service upon THOMAS BRYANT, 20 yoa, son of RONALD BRYANT, who identified himself by name and accepted service on behalf of JANE DOE BRYANT at their residence 2493 East Del Rio Street, Gilbert, AZ 85295 at 1200 hours on Thursday, May 17, 2012.
4. I have read the foregoing document and state under penalty of perjury that the facts herein are true and correct.

Christine Burke

CHRISTINE BURKE

05-17-12

DATE

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
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FILED  
BY Proctor DEP

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Plaintiffs,

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vs.

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2. I received a SUMMONS, COMPLAINT and CERTIFICATE OF COMPULSORY ARBITRATION from Plaintiff's attorney on Thursday, May 17, 2012.
3. I served true copies of these original documents upon Defendant RONALD BRYANT, individual, through substitute service upon THOMAS BRYANT, 20 yoa, son of RONALD BRYANT, who identified himself by name and accepted service on behalf of RONALD BRYANT at their residence 2493 East Del Rio Street, Gilbert, AZ 85295 at 1200 hours on Thursday, May 17, 2012.
4. I have read the foregoing document and state under penalty of perjury that the facts herein are true and correct.

Christine Burke

CHRISTINE BURKE

05-17-12

DATE

Strategic Intelligence Services PLLC  
14700 N Frank Lloyd Wright Boulevard  
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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

FILED  
BY Blasquez DEP

JULIO MACIAS and ANNA MACIAS, husband and  
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Plaintiffs,

Case No.: CV2012-000624

vs.

CERTIFICATE OF SERVICE

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2. I received a SUMMONS, COMPLAINT and CERTIFICATE OF COMPULSORY ARBITRATION from Plaintiff's attorney on Thursday, May 17, 2012.
3. I served true copies of these original documents upon Defendant JANE DOE BLANCO, AKA RENNA BLANCO as identified through Maricopa County Property Records, by substitute service upon JAMES BLANCO, who identified himself by name at the shared residence, 295 W. Oriole Way Chandler, AZ 85286 at 1235 hours on Thursday, May 17, 2012.
4. I have read the foregoing document and state under penalty of perjury that the facts herein are true and correct.

Christine Burke

CHRISTINE BURKE

05-17-12

DATE

1 **Strategic Intelligence Services PLLC**  
14700 N Frank Lloyd Wright Boulevard  
2 Ste. 157-411  
Scottsdale, AZ 85260  
3 Telephone: (480) 588-5811

MICHAEL K. JEANES, CLERK  
RECEIVED RE OUTSIDE  
DEPOSITORY

12 MAY 18 AM 7:49

FILED  
BY P. B. Smith, DEP

4 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
5 IN AND FOR THE COUNTY OF MARICOPA

6  
7 **JULIO MACIAS and ANNA MACIAS, husband and**  
8 **wife,**

Case No.: CV2012-000624

9 Plaintiffs,

CERTIFICATE OF SERVICE

10 vs.

11 **OFFICER JAMES BLANCO, Individually and acting on**  
12 **behalf of PHOENIX POLICE DEPARTMENT, (Badge**  
13 **No. 8710), et al.**

14 Defendants.

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18 2. I received a SUMMONS, COMPLAINT and CERTIFICATE OF COMPULSORY ARBITRATION from  
19 Plaintiff's attorney on Thursday, May 17, 2012.  
20 3. I served true copies of these original documents upon Defendant JAMES BLANCO, individual,  
21 through personal service upon JAMES BLANCO, who identified himself by name and accepted  
22 service at his residence, 295 W. Oriole Way Chandler, AZ 85286 at 1235 hours on Thursday,  
23 May 17, 2012.  
24 4. I have read the foregoing document and state under penalty of perjury that the facts herein are  
25 true and correct.

Christine Burke

CHRISTINE BURKE

05-17-12

DATE

1 **Strategic Intelligence Services PLLC**  
2 14700 N Frank Lloyd Wright Boulevard  
3 Ste. 157-411  
4 Scottsdale, AZ 85260  
5 Telephone: (480) 588-5811

MICHAEL K. JEANES, CLERK  
RECEIVED NE OUTSIDE  
DEPOSITORY

12 MAY 18 AM 7:49

6  
7 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
8  
9 IN AND FOR THE COUNTY OF MARICOPA

FILED  
BY P. Baskin DEP

6  
7 **JULIO MACIAS and ANNA MACIAS, husband and**  
8 **wife,**

Case No.: CV2012-000624

9 Plaintiffs,

CERTIFICATE OF SERVICE

10 vs.

11 **OFFICER JAMES BLANCO, Individually and acting on**  
12 **behalf of PHOENIX POLICE DEPARTMENT, (Badge**  
13 **No. 8710), et al.**

14 Defendants.

15 CHRISTINE BURKE, being first duly sworn, deposes and says:

- 16 1. I am an Arizona Certified Process Server, Maricopa County License #7639, fully qualified under  
17 RCP 4(d), and 45(d) to serve process in this action;  
18 2. I received a SUMMONS, COMPLAINT and CERTIFICATE OF COMPULSORY ARBITRATION from  
19 Plaintiff's attorney on Thursday, May 17, 2012.  
20 3. I served true copies of these original documents upon Defendant OFFICER JAMES BLANCO,  
21 acting on behalf of PHOENIX POLICE DEPARTMENT, through personal service upon JAMES  
22 BLANCO, individual, who identified himself by name and accepted service at his residence, 295  
23 W. Oriole Way Chandler, AZ 85286 at 1235 hours on Thursday, May 17, 2012.  
24 4. I have read the foregoing document and state under penalty of perjury that the facts herein are  
25 true and correct.

Christine Burke

CHRISTINE BURKE

05-17-12

DATE



EXHIBIT B

OFFICE OF THE CITY ATTORNEY  
200 West Washington, Suite 1300  
Phoenix, Arizona 85003-1611  
(602) 262-6761

1 OFFICE OF THE CITY ATTORNEY  
2 GARY VERBURG, City Attorney  
3 State Bar No. 005515  
4 200 West Washington, Suite 1300  
5 Phoenix, Arizona 85003-1611  
6 Telephone (602) 262-6761  
7 law.civil.minute.entries@phoenix.gov

8 Shannon M. Bell, #018403  
9 Assistant City Attorney  
10 Attorney for Defendants City of Phoenix, Officer James Blanco and Officer Ronald  
11 Bryant

12 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

13 IN AND FOR THE COUNTY OF MARICOPA

14 JULIO MACIAS and ANNA MACIAS,  
15 husband and wife,

16 Plaintiff(s),

17 vs.

18 OFFICER JAMES BLANCO, Individually  
19 and acting on behalf of PHOENIX POLICE  
20 DEPARTMENT, (Badge No. 8710), and Jane  
21 Doe Blanco; OFFICER RONALD BRYANT,  
22 Individually and acting on behalf of  
23 PHOENIX POLICE DEPARTMENT,  
24 (Badge No. 6608) and JANE DOE  
BRYANT, CITY OF PHOENIX, AND  
JOHN and JANE DOES I-X; BLACK  
PARTNERSHIPS I-V; AND WHITE  
CORPORATIONS I-V,

Defendants.

NO. CV2012-000624

**NOTICE OF FILING NOTICE OF  
REMOVAL**

(Assigned to the Honorable Colleen L.  
French)

Defendants, City of Phoenix, Officer James Blanco, and Officer Ronald Bryant,  
through undersigned counsel, and pursuant to 28 U.S.C. § 1441, et seq., hereby notify  
this Court that they have filed a Notice of Removal of this action to the United States  
District Court for the District of Arizona. A copy of the Notice of Removal filed June 6,

OFFICE OF THE CITY ATTORNEY  
200 West Washington, Suite 1300  
Phoenix, Arizona 85003-1611  
(602) 262-6761

1 2012 is attached hereto as Exhibit "A."

2 DATED this 6<sup>th</sup> day of June, 2012.

3 GARY VERBURG, City Attorney

4  
5 By /s/Shannon M. Bell

6 Shannon M. Bell  
7 Assistant City Attorney  
8 200 West Washington, Suite 1300  
9 Phoenix, Arizona 85003-1611  
10 Attorneys for Defendants City of Phoenix,  
11 Officer James Blanco, and Officer Ronald  
12 Bryant

13 ORIGINAL of the foregoing E-filed  
14 and a COPY delivered electronically  
15 this 6th day of June, 2012, to:

16 The Honorable Colleen L. French  
17 Judge of the Superior Court

18 COPY of the foregoing mailed  
19 this 6th day of June, 2012, to:

20 David D. Greene  
21 Law Offices of Ho & Green, PLLC  
22 301 East Bethany Home Road, Suite C-178  
23 Phoenix, AZ 85012-1295  
24 Attorneys for Plaintiffs Julio Macias and Anna Macias

By /s/A. Valenzuela

SB2:sb2#978615\_1.DOC

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

Julio and Anna Macias

(b) County of Residence of First Listed Plaintiff Maricopa  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

David D. Greene, Law Offices of Ho & Greene, PLLC, 301 E.  
Bethany Home Rd., #C-178, Phoenix, Az. 85012, 602-354-7346

## DEFENDANTS

Officer James Blanco, Officer Ronald Bryant, City of Phoenix

County of Residence of First Listed Defendant Maricopa  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
LAND INVOLVED.

Attorneys (If Known)

Shannon M. Bell, Phoenix City Attorney's Office, 200 W.  
Washington, #1300, Phoenix, Az. 85003, 602-262-6761

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |                                         | PTF                        | DEF                        |                                                               | PTF                        | DEF                        |
|-----------------------------------------|----------------------------|----------------------------|---------------------------------------------------------------|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation                                                | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury  <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability  <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other  <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act  <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark  <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))  <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

## V. ORIGIN

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
42 U.S.C. § 1983

Brief description of cause:

Violation of Fourth and Fourteenth Amendment - excessive use of force, negligence, assault/battery

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

# SUPPLEMENTAL CIVIL COVER SHEET FOR CASES REMOVED FROM ANOTHER JURISDICTION

This form must be attached to the Civil Cover Sheet at the time  
the case is filed in the United States District Clerk's Office.  
Additional sheets may be used as necessary.

**1. Style of the Case:**

Please include all Plaintiff(s), Defendant(s), Intervenor(s), Counterclaimant(s), Cross-claimant(s) and Third Party Claimant(s) still remaining in the case and indicate their party type. Also, please list the attorney(s) of record for each party named and include their bar number, firm name, correct mailing address, and phone number (including area code).

<u>Party</u>	<u>Party Type</u>	<u>Attorney(s)</u>
Julio and Anna Macias	Plaintiff	David D. Greene 301 E. Bethany Home Rd., #C-178 Phoenix, Az. 85012 602-354-7346
Officer James Blanco	Defendant	Shannon M. Bell, Bar No.018403 Office of Phoenix City Attorney 200 W. Washington, #1300 Phoenix, Az. 85003 602-262-6761
Officer Ronald Bryant	Defendant	Shannon M. Bell, Bar No.018403 Office of Phoenix City Attorney 200 W. Washington, #1300 Phoenix, Az. 85003 602-262-6761
City of Phoenix	Defendant	Shannon M. Bell, Bar No.018403 Office of Phoenix City Attorney 200 W. Washington, #1300 Phoenix, Az. 85003 602-262-6761

**2. Jury Demand:**

Was a Jury Demand made in another jurisdiction? Yes [ ] No [X]

If "Yes," by which party and on what date?

**3. Answer:**

Was an Answer made in another jurisdiction? Yes No [X]

If "yes," by which party and on what date?

**4. Served Parties:**

The following parties have been served at the time this case was removed:

<u>Party</u>	<u>Date Served</u>	<u>Method of Service</u>
Officer James Blanco	5/17/12	Personal
Officer Ronald Bryant	5/17/12	Personal
City of Phoenix	5/17/12	Personal

**5. Unserved Parties:**

The following parties have not been served at the time this case was removed:

<u>Party</u>	<u>Reason Not Served</u>
None	

**6. Nonsuited, Dismissed or Terminated Parties:**

Please indicate changes from the style of the papers from another jurisdiction and the reason for the change:

<u>Party</u>	<u>Reason for Change</u>
None	

**7. Claims of the Parties:**

The filing party submits the following summary of the remaining claims of each party in this litigation:

<u>Party</u>	<u>Claim(s)</u>
Julio and Anna Macias	Violation of Fourth and Fourteenth Amendment right against excessive use of force, negligence, assault and battery and respondeat superior

**Pursuant to 28 USC § 1446(a) a copy of all process, pleadings, and orders served in another jurisdiction (State Court) shall be filed with this removal.**